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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,651	08/03/2001	Yoshikazu Hara	24740	6049

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NATH & ASSOCIATES
Sixth Floor
1030 Fifteenth Street, N.W.
Washington, DC 20005

EXAMINER

CULLER, JILL E

ART UNIT	PAPER NUMBER
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2854

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DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,651

Applicant(s)

HARA, YOSHIKAZU

Examiner

Jill E. Culler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 2-3 are objected to because of the following informalities:

In claims 2 and 3, the language remains awkward and grammatically incorrect. For example, in claim 2, are there a discharged stencil sheet box and ink container for each printing drum? In claim 3, lines 3-4, the phrase "selects one or more the printing drums" appears to be missing "of" between "more" and "the". On line 5, the phrase "instructs to initiate" is awkward. On line 7, "display sections to inform following error states" is awkward and confusing.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,375,516 to Hasegawa in view of U.S. Patent No. 5,911,527 to Aruga et al.

Hasegawa shows a stencil printing machine comprising a plurality of printing drums and a control section controlling a mono-color or multicolor stencil printing

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process such that, unused printing drums are kept stationary. See column 11, lines 22-30.

Hasegawa does not teach that even if the unused printing drum is in an error state, the stencil printing process is performed using other printing drums.

Aruga et al. teaches a printing machine with a plurality of printing mechanisms, and a control section controlling such that, when one printing mechanism is in an error state, the printing is carried out using the other printing mechanism.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the control logic of Aruga et al. to the control section of Hasegawa, so that printing could be carried out more efficiently when an unused printing drum is in an error state.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa in view of Aruga et al. as applied to claims 1 and 4-5 above, and further in view of U.S. Patent No. 6,095,040 to Ashikagaya et al., U.S. Patent No. 5,713,274 to Kawai et al., and U.S. Patent No. 5,537,920 to Hasegawa et al.

Hasegawa and Aruga et al. teach all that is claimed, as in the above rejection of claims 1 and 4-5 above. Hasegawa also teaches an ink level detector to determine whether the ink reservoir is filled. See column 5, lines 50-54.

Hasegawa and Aruga et al. do not teach a printing drum absence detection section, a discharged stencil sheet box absence detection section, a discharged stencil sheet box full detection section, or an ink container detection section, wherein the

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control section controls the stencil printing process based on detection results of these detection sections. Hasegawa and Aruga et al. also do not teach an operation panel displaying error information and through which a user selects one or more of the printing drums to be used in the stencil printing process and initiates the stencil printing process, wherein the operation panel displays the following error states for each printing drum: no printing drum is mounted, no ink container is mounted, ink container is empty, no discharged stencil sheet box is mounted, and discharged stencil sheet box is filled with discharged stencil sheets.

Ashikagaya et al. teaches a stencil printing machine having a printing drum absence detection section comprising a detector, 38, detecting whether or not the printing drum, 140, is mounted in the stencil printing machine. See column 10, lines 40-43. Ashikagaya et al. also teaches an operation and display panel, 40, displaying error information and through which the stencil printing process can be controlled. See column 6, lines 14-18 and column 12, line 66 through column 14, line 10

Kawai et al. teaches a stencil printing machine having a discharged stencil sheet box absence detection section comprising a detector to determine whether or not the discharged stencil sheet box, 40, is mounted in the printing drum, see column 9, lines 55-59, and a discharged stencil sheet box full detection section comprising a detector, 38, to determine whether or not the discharged stencil sheet box, 40, is filled with used stencil sheets. See column 12, lines 59-63.

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Hasegawa et al. teaches a stencil printing machine having an ink container detection section comprising a detector, 47, detecting whether or not the ink container, 17, is mounted in the printing drum. See column 4, lines 51-53.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the control section of Hasegawa using the sensors and operation panel of Ashikagaya et al., Kawai et al., and Hasegawa et al. in order to more effectively control the stencil printing process.

Response to Arguments

5. In response to applicant's argument that Aruga et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, Aruga et al. describes a printing device which addresses the problem of printing while a portion of the device is in an error state. As applicant's invention is also drawn to a printing device which addresses the same problem, it is deemed that this reference is in the field of applicant's endeavor and reasonably pertinent to the particular problem with which the applicant was concerned. Further, this reference is relied upon only for the teaching of the process of printing while in an error state, not for the structure of the printer itself. One having ordinary skill in the art would

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recognize that a similar process could be applied to the control of printers having a plurality of printing mechanisms with a wide variety of specific printing structures.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (703) 308-1413. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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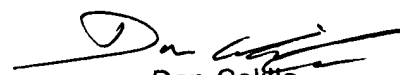
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308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

jec
May 22, 2003



Dan Colitta
Primary Examiner
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